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In re Application of
TAKESHITA et al.

Application No.: 10/593,282

PCT No.: PCT/JP05/11714

Int. Filing Date: 27 June 2005

Priority Date: 13 July 2004

Atty. Docket No.: 060711

For: SUBSTRATE PROCESSING

APPARATUS AND

MANUFACTURING METHOD FOR

A SEMICONDUCTOR DEVICE

DECISION

This decision is issued in response to applicant's "Request for Corrected Notice of Acceptance" filed 31 July 2008, treated herein as a petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date. No petition fee is due.

BACKGROUND

On 18 September 2006, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; an English translation of the international application; and a preliminary amendment.

On 22 April 2008, applicant filed an executed declaration of inventorship.

On 25 June 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 18 September 2006 and a 35 U.S.C. 371 completion date as 13 January 2007. Also on 25 June 2008, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 18 September 2006.

On 31 July 2008, applicant filed "Request for Corrected Notice of Acceptance."

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 13 January 2007 to 22 April 2008. The actual filing date of the present application is the international filing date, i.e., 27 June 2005 (see 35 U.S.C. 363). The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed, see MPEP §1895.01. A review of the application file reveals that the oath/declaration was filed with the USPTO on 22 April 2008, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage was completed. Therefore, the Notification of Acceptance will indicate 22 April 2008 as the date that the all 35 U.S.C. 371 requirements were met. Further, the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements will be corrected to 22 April 2008. Accordingly, the correction of the Notification of Acceptance to indicate a date of 22 April 2008 is proper.

CONCLUSION

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is GRANTED.

The Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 25 June 2008 are hereby VACATED.

The National Stage Processing Branch of the International Division will be instructed to issue a corrected Notification Of Acceptance (Form PCT/DO/EO/903) identifying the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date as 22 April 2008 and a date of completion of all 35 U.S.C. 371 requirements as 22 April 2008. Additionally, a corrected Official Filing Receipt will be issued.



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